

REMARKS

In response to the Office Action from the Patent Examiner dated 18 March 2003, Applicant respectfully submits this Amendment, Declaration, and Remarks. Reconsideration and reevaluation of the objections and rejections is respectfully requested.

At page 2, paragraph 4, the Examiner rejected claims 3 through 4 and 9 through 15 under 35 U.S.C. § 112. Applicant has amended claim 3 so that the proper antecedent basis for "a first arm and a second arm" is now included. Therefore, Applicant respectfully submits that this rejection has been obviated. Please note that claim 9 has been amended to contain the proper antecedent basis for the second arm.

At page 3, paragraph 6 the Examiner rejects claims 1 and 3 through 5 under 35 U.S.C. § 103(a) as being unpatentable over Wright ('173) in view of Beck et al. ('963) and in further view of Porfano et al. ('044), McGahhey ('489) and JP 11-100008.

The Examiner states his reasons for rejections at pages 3, 4, 5, and 6 of the Office Action. Applicant respectfully submits that Applicant's claims, as presently amended, are not taught or disclosed by the prior art.

With reference to Wright '173, Applicant respectfully submits that the '173 teaches the use of a neck ring 16a, 16b. The neck ring expands radially outward. Part of the reason for expanding radially outward is the inclusion of the threads on the preformed articles (see column 5, lines 51et seq. of the '173 patent). In operation, the '173 teaches lifting the female core 14 and locks 38 a/b; then lifting neck rings, 16 a/b, slides 36 a/b, and stripper plate 32; then, the slides are pulled apart

radially over rear plate 34 to separate halves 16 a/b of neck ring to release the threaded, under cut or beaded portion of the preform (see column 5, line 55 of the '173 patent).

With reference to the Beck '963 patent, Beck discloses a valve means for sequentially supplying desired quantities of liquid plastic in order to create multi-layered preformed articles (see column 7, lines 6 et seq. and column 5, lines 65 et seq. of the '963 patent). Beck et al. teaches the use of the split neck ring 9 that expands radially outwards due to the threads contained on the preformed articles (see figure 4, items 59 and 51 of the '963 depicting the thread area). The '963 patent is for the manufacture of preforms (see column 4, line 30).

Further, Applicant submits that both the Beck '963 and the Wright '173 patents specifically relate to "preform" injection molds. As those of ordinary skill in the art will recognize, the preform necessarily entails further processing of the article before the article can be used. For instance, the preformed article undergoes further blow-molding in order to shape the article to the desired configuration for consumer use.

The article of the '963 and '173 could not be used as an encapsulated vial containing a liquid as taught by Applicant. Importantly, the preforms taught by the prior art require a separate cap. This cap represents an independent item that must either be manufactured and/or molded. The molding of this extra piece is not only time consuming but expensive. Applicant's present invention negates the need for this completely separate item. After filling with a liquid, the article produced by the method claimed can simply be placed in a heat sealer, and the outer diameter and inner diameter surface can be placed within a heat sealer and sealed without the necessity of having a cap and/or lid manufactured and placed thereon. In other words, the open end of the plurality of the interconnected vials is heat sealed so that a closed container that encapsulates the

liquid is formed. The user of Applicant's novel vial would thereafter simply twist the extension top 240A - 240L or puncture the container will to get to the compound inside.

Therefore, Applicant respectfully submits that the remaining claims, namely claims 1, 3 through 6, and 8 through 19 are now in a position for allowance. Allowance at an early date is respectfully requested. If it would aid in disposition of this matter, the Examiner is kindly requested to contact the undersigned.

Respectfully Submitted,

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Date

C. Dean Domingue
C. Dean Domingue, Reg. No. 33,682
Domingue & Waddell, PLC
First National Bank Towers
600 Jefferson Street, Ste. 515
Lafayette, Louisiana 70501
Phone 337.266.2304
Fax 337.266.2305
Customer No. 29166